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a stopper supporting hole between said first and second bearing portion;
said stopper supporting hole formed at about a midpoint along an axial length of an overlapping portion of the first member and an overlapping portion of the second tubular member; and
said stopper fitting in said stopper supporting hole.

12. (New) A telescopic unit according to claim 9 further comprising:

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3 a first diameter of said first end of said second stopper support member being substantially the same diameter as said second diameter of said second end of said stopper supporting member, whereby when said second tubular member is completely inserted in said first tubular member, said stopper supporting member meets said second stopper supporting member, forming a substantially even outer surface therebetween.

REMARKS

Reconsideration and allowance are respectfully requested.

I. Status of the Claims

Claims 3, 4, 5, 6, and 8 have been amended and the amendments do not add new matter.

Claims 11 and 12 have been added and the newly added claims do not add new matter.

Claims 1-12 are pending.

II. Status of the Specification

The specification has been amended to overcome the informalities noted by the Examiner.

III. Status of the Drawings

The Examiner has noted that Figures 5, 6, and 11 should be designated as Prior Art. Applicant has amended the figures and enclosed herewith is a submission of formal drawings, including amended Figures 5, 6, and 11.

IV. Claim Objections

Claims 3, 4, and 8 were objected to because of informalities. The Applicant respectfully submits that claims 3, 4, and 8 have been amended to adopt the Examiner's recommendations to correct grammatical and typographical errors. Thus, Applicant respectfully requests that the above objection be withdrawn.

The Examiner has noted that claims 4 and 6 would be objected to under 37 C.F.R. §1.75 as being a substantial duplicate of claims 3 and 5, respectively. However, claim 4 has been amended to depend from claim 2. Therefore, claims 4 and 6 are not substantial duplicates of claims 3 and 5.

V. Rejection Under 35 U.S.C. §112

Claims 5 and 6 were rejected under 35 U.S.C. §112, first paragraph, as containing

subject matter not described in the specification. Applicant has amended claims 5 and 6 to recite that the stopper supporting hole is "formed at the overlapping portions of the first and second tubular members." Claims 5 and 6 have been amended to be consistent with the specification and the drawings. No new matter has been added. Accordingly, Applicant respectfully requests withdrawal of the above rejection.

VI. Rejection Under 35 U.S.C. §103(a)

Claims 1-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's Admitted Prior Art in view of U.S. Patent No. 2,282,295 to Olson.

The Examiner contends that the Applicant's Prior Art teaches a stopper device of a telescopic unit where a second tubular member projects from a first tubular member. The Examiner further contends that one of ordinary skill in the art would be motivated to combine the stoppers to taper from top to bottom as an alternative design as disclosed by Olson.

The rejection is respectfully traversed, and reconsideration is requested.

Applicants respectfully state that the Examiner has failed to establish *prima facie* obviousness under 35 U.S.C. §103(a) because there is no motivation to combine Olson with Applicant's Prior Art. The Federal Circuit has stated:

Most if not all inventions arise from a combination of old elements. ... Thus, every element of a claimed invention may often be found in the prior art. ... However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. ... Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant.

In re Kotzab, 217 F.3d. 1365, 1369; 55 USPQ2d 1313, 1316 (Fed. Cir. 2000). Olson discloses a tapered shape designed to support a particular function. Specifically, Olson teaches a tapered shape for causing a clamping action. (See, Olson, p.3, left-hand column, lines 35-42). In contrast, the tapered shape of the present invention does not utilize the shape of the stoppers to cause a clamping action. The tapered shape of the presently claimed functions to streamline the telescopic unit. There would be no motivation for one of ordinary skill in the art to combine Olson with Applicant's Prior Art because the tapered shape disclosed by Olson performs a completely different function as the tapered shape of the present invention. Thus, the Applicant respectfully requests that this rejection be withdrawn.

Furthermore, Applicant respectfully traverses the Examiner's rejection of claim 8 under 35 U.S.C. §103(a). Neither Applicant's Prior Art nor Olson teach the relationship between the diameters of the stopper supporting members such that a "first diameter of said first end of said second stopper member being substantially the same diameter as said second diameter of said second end of said stopper supporting member." Applicant has amended claim 8 to be in independent form in order to clarify this distinction. Thus, Applicant respectfully requests the present rejection be withdrawn.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the

Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Louis J. DeLuicide", is written over a horizontal line.

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I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express" Mail Post Office to Addressee" service.

CATHERINE PERMAN Catherine Perman
Name (Print) Signature

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PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mitsuru Aikaie

Serial No.: 09/852,225

Art Unit: 3632

Confirmation No.: 4231

Filed: May 9, 2001

Examiner: Naschica Sanders Morrison

For: Stopper Device and Telescopic Unit

MARK-UP

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

March 25, 2003

Sir:

Please amend the above identified application as follows:

IN THE SPECIFICATION:

Please replace the paragraph on page 2 beginning at line 3 with the following amended paragraph:

It is an object of the present invention [is] to provide a stopper device and a telescopic unit which are capable of preventing inadvertent catching.

Please replace the paragraph on page 2 beginning at line 5, with the following amended paragraph:

Briefly stated, the present invention provides a first stopper supporting member, supporting a stopper which controls movement of a second tubular member of a telescopic unit along a first tubular member, which is disposed around the outer surface of the first tubular member. A second stopper supporting member, supporting a stopper which controls movement of a third tubular member along the second tubular member, is disposed around the outer surface of the second tubular member. A facing end of the first stopper supporting member and a facing end of the second stopper supporting member have nearly the same outer diameter. The resulting telescopic unit is both attractive in appearance and free from the problem of being inadvertently caught by another object.

Please replace the paragraph on page 10, beginning at line 5 with the following amended paragraph:

First stopper device 30 includes a generally cylindrical first stopper supporting member 31 which is fitted around the outer cylindrical face of the bottom

portion of first tubular member 21. First stopper device 30 [severs] serves as a stopper supporting member.

Please replace the paragraph on page 12, beginning at line 1 with the following amended paragraph:

First rotation operating lever 51 has an operating tab portion 55, preferably in the shape of a curved plate having a curvature corresponding to the outer shape of first stopper supporting member 31. In other words the shape of first rotation operating lever 51 is preferably the same general shape as that of the outer surface of fitting cylindrical portion 33.

IN THE CLAIMS:

3. The stopper device according to claim 1 further comprising:

a rotation operating lever, pushing said stopper against or moving said stopper away from an outer surface of said second tubular member, thereby causing said stopper to prevent said second tubular member from moving when said stopper is pressed against said outer surface, or [cause] causing said stopper to permit said second tubular member to move by releasing said stopper from being pressed against said outer surface;

first and second bearing portions, facing each other at opposite ends of said

stopper supporting member;

a stopper supporting hole, between said first and second bearing portions;

said stopper supporting hole formed at about a midpoint along an axial length of the overlapping portions of the first and second tubular members;

said stopper fitting in said stopper supporting hole.

4. The stopper device according to claim [1] 2 further comprising:

a rotation operating lever, pushing said stopper against or moving said stopper away from an outer surface of said second tubular member, thereby causing said stopper to prevent said second tubular member from moving when said stopper is pressed against said outer surface, or [cause] causing said stopper to permit said second tubular member to move by releasing said stopper from being pressed against said outer surface;

first and second bearing portions, facing each other at opposite ends of said stopper supporting member;

a stopper supporting hole, between said first and second bearing portions;

said stopper fitting in said stopper supporting hole;

a supporting shaft portion of said rotation operating lever being supported by said first and second bearing portions, permitting rotation thereof.

5. The stopper device according to claim 3, wherein said stopper supporting hole is formed [at about a midpoint along an axial length of said stopper supporting member] at the overlapping portions of the first and second tubular members.

6. The stopper device according to claim 4, wherein said stopper supporting hole is formed [at about a midpoint along an axial length of said stopper supporting member] at the overlapping portions of the first and second tubular members.

8. [The stopper device according to claim 1, further comprising:]

A stopper device comprising:

a stopper;

a first tubular member;

a second tubular member fitting inside said first tubular member;

said stopper controlling movement of said second tubular member with respect to said first tubular member;

a stopper supporting member, fitted to an outer surface of said first tubular member, supporting said stopper;

said stopper supporting member having a first end and a second, opposite end;
said second end being proximate to a location where said second tubular member slides in and out of said first tubular member;

a first diameter of said first end being greater than a second diameter of said second end;

at least a second stopper;
at least a third tubular member;
said third tubular member fitting inside said second tubular member;
said second stopper controlling movement of said third tubular member with respect to said second tubular member;

at least a second stopper supporting member, fitted to an outer surface of said second tubular member;

said second stopper supporting member having a first end and a second, opposite end;

said second end of said second stopper [support] supporting member being proximate to a location where said third tubular member slides in and out of said second tubular member; and

a first diameter of said first end of said second stopper support member being substantially the same diameter as said second diameter of said second end of said stopper supporting member, whereby when said second tubular member is completely inserted in said first tubular member, said stopper supporting member meets said second stopper supporting member, forming a substantially even outer surface therebetween.